

International Criminal Court

Epstein Island: Human Trafficking, State Responsibility, and International Justice

1. History of the committee

The Rome Statute, adopted in 1998, created the International Criminal Court (ICC), a major milestone in the history of international law. The Statute entered into force on July 1, 2002, once the required number of countries had ratified it, and from that moment the ICC officially began to operate. Unlike earlier courts that were temporary and tied to specific conflicts, the ICC is the first permanent international court established to investigate and prosecute individuals for the gravest crimes of concern to the international community. These include genocide, crimes against humanity, war crimes, and crimes of aggression. Its headquarters are in The Hague, Netherlands, a city that has become known as a center of global justice.

The creation of the ICC built on decades of progress. The Nuremberg Trials after World War II and the Tokyo Tribunal had already shown that individuals could be held accountable for atrocities. Later, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda reinforced this principle in response to the violence of the 1990s. However, those tribunals were ad hoc and temporary. The ICC, in contrast, was established as a permanent institution with jurisdiction that can be triggered by member states, the United Nations Security Council, or the Prosecutor under specific conditions.

Its establishment represented a turning point in the pursuit of accountability and justice at the international level. By creating a standing court, states sought not only to punish perpetrators but also to deter future crimes, provide justice to victims, and strengthen respect for human rights. While the Court has faced criticism and political obstacles, its creation remains one of the most ambitious efforts to ensure that those who commit the worst crimes are held personally responsible before the law.

2. *Important occasions and turning points in ICC history:*

- The ICC was established in 1998 when the Rome Statute was approved by 120 states.
- 2002: The Rome Statute comes into effect, establishing the ICC as an operational tribunal.
- 2003: Luis Moreno Ocampo was sworn in as the first Chief Prosecutor and one of the first judges.
- 2005: Referrals to the UN Security Council: The Court was asked to handle crimes in nations that were not parties to the Rome Statute, first in Darfur (Sudan) and then in Libya.
- 2012: Thomas Lubanga Dyilo was found guilty for the first time of recruiting and using child soldiers in the Democratic Republic of the Congo, establishing a precedent for international justice.
- 2018: Expansion of mandate: Jurisdiction over the *crime of aggression* was activated, giving the Court a broader reach in addressing unlawful wars.

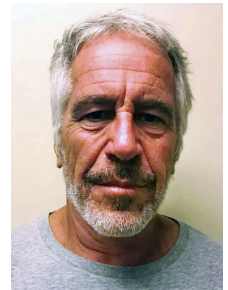
3. *Evolution of the mandate:*

The ICC's mission has progressively broadened in both its purview and its interpretation. Its jurisdiction over crimes against humanity enables it to look into widespread and systematic abuses even outside of conventional war zones, despite its initial focus on crimes associated with armed conflict. This has sparked debates about whether, if they satisfy the requirements of scale and state inaction, problems like systematic human trafficking, like the Epstein case, could come under its purview.

Despite having more than 120 member states today, the ICC still faces obstacles like political opposition, non-cooperation from non-member states (like the US, Russia, and China), and a lack of enforcement authority. Notwithstanding these drawbacks, the ICC continues to be the mainstay of international criminal justice and a crucial platform for discussing issues of jurisdiction and accountability in transnational crimes.

1. Introduction

The Epstein Island case, which exposes a horrifying international human trafficking network, will be discussed by this Committee as an example of one of the gravest challenges to modern international law. The revelations surrounding this case not only highlight the scope of exploitation and abuse carried out across borders but also raise urgent questions about jurisdiction, accountability, and the gaps that exist in the international legal system. The transnational nature of the crimes spanning multiple states, involving high-profile figures, and taking advantage of weak enforcement mechanisms demonstrates how traffickers are able to exploit legal loopholes and evade prosecution.



Although human trafficking in peacetime has not yet been prosecuted before the International Criminal Court (ICC), the Epstein case provides a compelling framework through which to examine the limitations of current statutes. The Rome Statute, which governs the ICC, emphasizes crimes such as genocide, war crimes, and crimes against humanity committed during armed conflict or systemic attacks against civilians. However, the trafficking of individuals for exploitation in non-conflict situations remains a legal gray area, despite its scale and devastating human impact. This Committee must therefore consider whether international law as it stands is sufficient to address such crimes, or if reforms are necessary to ensure that perpetrators of transnational human trafficking face accountability.

Furthermore, the case sheds light on the obligations of states under international human rights and anti-trafficking conventions. States are required not only to criminalize trafficking within their domestic systems but also to cooperate in cross-border investigations and prosecutions. The Epstein Island scandal demonstrates the failures of multiple jurisdictions to act decisively, allowing systemic exploitation to continue unchecked. It also forces us to question the role of powerful individuals, networks of influence, and corruption in obstructing justice.

Ultimately, this case highlights the urgent need for stronger mechanisms of international cooperation and a more comprehensive framework under international law to address human

trafficking. It forces the international community to grapple with difficult questions: Should human trafficking in peacetime be recognized as a crime under the jurisdiction of the ICC? How can states be held accountable when they fail to protect victims or actively shield perpetrators? And what role should international justice systems play in ensuring that exploitation of this magnitude can never be tolerated?

2. Historical context

Despite having deep historical roots, human trafficking, also known as modern-day slavery, continues to change in the age of globalization. Vulnerable groups have been exploited in a variety of ways throughout history, including forced labor during World Wars I and II, the Atlantic slave trade in the 16th and 19th centuries, and more recently, intricate transnational trafficking networks. The UN estimates that criminal organizations make billions of dollars a year from trafficking, which now mostly consists of forced labor, child exploitation, and sexual exploitation.

The Jeffrey Epstein case raised awareness around the world about how these crimes continue to occur even in developed countries. Despite evidence of widespread abuse, Epstein, a financier with powerful political and social ties, was first charged in 2008 in Florida and avoided serious federal charges thanks to a highly contentious plea agreement. He carried on his business for the next ten years, trafficking and abusing young women using his private island in the U.S. Virgin Islands (Little St. James), opulent homes, and private planes. The extent of his crimes and the structural flaws that allowed them to occur were made clear by his 2019 arrest in New York on sex trafficking charges and subsequent death in custody.

Globally, the problem is linked to more general discussions concerning state accountability and jurisdiction over transnational crimes. In some situations, human trafficking has been acknowledged as a crime against humanity, but prosecutions have been infrequent. In *Prosecutor v. Kunarac* (2001), for instance, the International Criminal Tribunal for the Former Yugoslavia (ICTY) addressed sexual slavery and trafficking-like conduct, establishing a precedent for how these crimes are treated under international law. Similarly, the first

international legal framework to stop and punish human trafficking, particularly of women and children, was established by the UN Palermo Protocol in 2000.



Even with these advancements, enforcement is still dispersed. As demonstrated by the U.S. Virgin Islands' \$105 million settlement with Epstein's estate, many states place more emphasis on domestic prosecution or civil settlements than on seeking international accountability. This calls into serious doubt whether systematic, multi-jurisdictional, and internationally significant crimes like Epstein's could be considered crimes against humanity committed in peacetime under the purview of the ICC.

3. Current Issue

- Today Status: Systemic shortcomings, such as a contentious 2008 plea agreement that permitted minimal sentencing time, were brought to light by Epstein's arrest in 2019.
- State-level Action: Epstein's estate and affiliates paid more than \$105 million to the U.S. Virgin Islands Attorney General for sex trafficking and related offenses.
- Challenges: Because of its complementary jurisdiction, the ICC only intervenes when national systems break down, which raises concerns about its applicability in affluent nations like the United States.

4. Past International actions

- Despite being classified as a crime against humanity under Article 7 of the Rome Statute Repositories Derecho UMich, there has been no ICC prosecution of human trafficking to date.
- Parliamentarians for Global Action: The ICTY's prosecution of enslavement in the Kunarac case set a significant precedent for crimes related to human trafficking.

- Although there are still enforcement gaps, international instruments such as the UNODC Toolkit (2006) and the UN Trafficking Protocol continue to influence anti-trafficking standards (Parliamentarians for Global Action UAB Sites).
- Although there are numerous UN and NGO initiatives, there hasn't been much attention paid to applying ICC-level accountability to trafficking in peacetime.

5. *Subtopics*

- Jurisdictional Thresholds: If national systems seem to be working, when does the ICC step in?
- ICC & Peacetime Crimes: Is it possible to prosecute human trafficking as a crime against humanity outside of conflict areas?
- State Accountability: What shortcomings made Epstein's networks possible?
- Transnational Enforcement: How do elite protection and cross-border logistics impede the administration of justice?
- Legal Accountability vs. Civil Remedies: The relationship between civil settlements (like the U.S. Virgin Islands case) and criminal accountability (like the ICC).

6. *Positions*

The Accused: Jeffrey Epstein

Jeffrey Epstein is the main accused in this case and the central focus of the committee. He is alleged to have orchestrated an international human trafficking and sexual exploitation network that operated across borders and involved minors. His delegation must defend him by questioning the jurisdiction of the ICC, insisting that his crimes, if any, were domestic in nature and therefore should not fall under the Court's mandate. The role is

essential because it challenges the committee to consider whether trafficking in peacetime can be elevated to the level of crimes against humanity.

The Accused: Ghislaine Maxwell

Ghislaine Maxwell is included as a co-accused due to her alleged role in assisting Epstein by recruiting victims and facilitating their exploitation. While she has already been convicted in U.S. courts, in this simulation she is treated as still standing before the ICC to answer for the international dimension of the crimes. Her delegation may attempt to minimize her involvement, shift responsibility to Epstein, or contest the idea that her actions amount to crimes against humanity. Together with Epstein, Maxwell represents the defense side of the trial and adds complexity to the arguments surrounding culpability.

Office of the Prosecutor

The Prosecutor, represented by Karim Khan and other supporting prosecutors, stands as the voice of international justice. This delegation is responsible for proving that Epstein's network was systematic, transnational, and organized, which would qualify it as crimes against humanity under the Rome Statute. The prosecution must also highlight the failures of national authorities to act effectively, arguing that the ICC is the only body capable of ensuring accountability. This delegation drives the case forward by presenting evidence, questioning witnesses, and framing the broader legal and moral stakes of the trial.

Defense Counsel

The Defense Counsel acts on behalf of Epstein and Maxwell, ensuring that their legal rights are upheld and that they are presumed innocent until proven guilty. Their role is to challenge the admissibility of evidence, attack the credibility of prosecution witnesses, and, most importantly, argue that the ICC has no jurisdiction over crimes committed in peacetime. By doing so, they force the judges and the committee to rigorously test the boundaries of the Court's authority. This delegation is crucial in maintaining balance within the trial and ensuring that due process is respected.

Victims' Representatives

This delegation represents the survivors of Epstein's trafficking network. They are responsible for presenting testimonies that describe the abuse endured and the systemic nature of the exploitation. Their role is to highlight the human cost of the crimes, ensuring that the trial does not become purely about legal technicalities. They also advocate for reparations and recognition of victims' rights, reminding the Court of its responsibility to deliver justice not only in the abstract but in concrete terms for those who suffered.

Judges

The panel of judges presides over the case, maintaining order and ensuring that the trial proceeds in line with ICC procedure. They are tasked with questioning both sides, ruling on disputes during the proceedings, and ultimately determining whether Epstein and Maxwell are guilty of crimes against humanity. Their final verdict carries enormous weight, as it not only decides the fate of the accused but also sets a precedent for whether the ICC can or should prosecute human trafficking in peacetime. The judges' delegation must balance impartiality with the responsibility of making a historic decision.

Key Witness: Julie K. Brown

Julie K. Brown, the investigative journalist from the *Miami Herald*, is included as a key witness in this simulation. Her reporting was instrumental in exposing Epstein's network and bringing renewed attention to the failures of earlier investigations. As a witness, her role is to provide context on how systemic cover-ups and the influence of Epstein's connections allowed the trafficking to continue unchecked. Her testimony strengthens the prosecution's case by showing how states failed to fulfill their obligations to protect victims and pursue justice.

7. Guiding questions

- Does Epstein's human trafficking fall under the Rome Statute's definition of a crime against humanity?

- Should the ICC accept cases involving human trafficking in peacetime as part of its developing body of precedent?
- In situations where there are domestic manifestations but a global reach, how can the responsibility of states be evaluated?
- Do civil remedies, such as sizable settlements, lessen the pressure for international or criminal accountability?
- What legislative measures might the ICC implement to more effectively combat international human trafficking?

8. *Suggested sources*

ICC Official Website – Information about the Rome Statute, cases, and jurisdiction.

UNODC (United Nations Office on Drugs and Crime): Human Trafficking and Migrant Smuggling – Global data, definitions, and international responses.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol, 2000) – The key treaty addressing human trafficking.

U.S. Virgin Islands Department of Justice – Press Releases on Epstein Settlements – Official legal actions against Epstein's estate.

Human Rights Watch – Reports on Sexual Exploitation and Human Trafficking – NGO perspective and case studies.

BBC / Time Magazine Explainers on the Epstein Case – Concise summaries of the events and controversies.

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